

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TERRY D. WILSON,

Plaintiff,

v.

Case Number 15-13436

Honorable David M. Lawson

Magistrate Judge Mona K. Majzoub

RPI MANAGEMENT, INC., BRYAN  
ZUCHOWICZ, JOY PEDERSEN, and  
JOSEPH C. GILL,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION,**  
**GRANTING DEFENDANTS' ORAL MOTION TO**  
**DISMISS, AND DISMISSING COMPLAINT**

Presently before the Court is the report issued on April 19, 2016 by Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendants' oral motion to dismiss, deny the defendants' oral motion for an award of costs and attorney fees, and dismiss the complaint with prejudice. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #22] is **ADOPTED**.

It is further **ORDERED** that the defendants' oral motion to dismiss made on January 19, 2016 is **GRANTED**. The defendants' contemporaneous oral motion for an award of costs and attorney fees is **DENIED**.

It is further **ORDERED** that the plaintiff's motion to set aside his request for dismissal [dkt. #13] is **DENIED**.

It is further **ORDERED** that the complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: May 12, 2016

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 12, 2016.

s/Susan Pinkowski  
SUSAN PINKOWSKI